IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO.92 OF 2006

Mr. Vinay Kumar Parmanand Mishra .. Petitioner
v/s.
The State of Maharashtra,
through the Chief Secretary,
Mantralaya, Mumbai and others. .. Respondents

Mr. I.S. Thakur i/by Mr. Rathore Sunil Kumar for the petitioner.
Ms. P.S. Cardoz, Assistant Government Pleader for the State.
Mr. P.P. Chavan i/by M/s. Little & Co. for the respondent No.2.

CORAM : J.N. PATEL AND A.A. SAYED, JJ.
DATED : 4TH OCTOBER, 2007

P.C.

Heard.

2. The petitioner was required to approach this court seeking direction against the State Government to take appropriate steps to stop theft of electricity in Bhiwandi town and to recover arrears from the defaulters, particularly, who are running power looms. It has also sought for direction to the State to hold an enquiry against the employees of the respondent No.2-Electricity Board and its officials who are allowing theft of electricity directly or indirectly or encouraging theft of electricity in Bhiwandi. As usual, the respondents state that necessary steps have been taken in the matter but the decision has been taken to hand over the problem to their franchisee and their affidavit-in-reply shows that after the appointment of franchisee for distribution of electricity within Bhiwandi town, there has been substantial increase in the revenue as well as elimination of theft of electricity. Presently, the franchisee is enjoined by M/s. Torrent Power Company Ltd. under section 14 of the Electricity Act, 2003.

3. In view of this, we find that no purpose would be served in keeping the petition pending. This court records its appreciation for the efforts taken by the petitioner in persuading the State to check the theft of electricity in the Bhiwandi town.

4. In so far as relief sought for by the petitioner for getting the matter investigated by the State CID and to take disciplinary action against the officials of the Electricity Board is concerned, in our view, it will be a futile exercise when the State does not think it necessary to proceed in the said direction. With these observations, petition stands disposed of.

(J.N. PATEL, J.)

(A.A. SAYED, J.)